

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

MICHAEL HEIDBREDER, )  
                          )  
                          )  
*Plaintiff,*         )  
                          )  
                          )  
                          v.         )         No. 5:19-cv-00348-BO  
                          )  
                          )  
EPIC GAMES, INC.,     )  
                          )  
                          )  
*Defendant.*         )

---

**DEFENDANT EPIC GAMES, INC.'S MOTION TO COMPEL ARBITRATION,  
OR IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Epic Games, Inc. moves for an Order compelling Plaintiff Michael Heidbreder to comply with the terms of his written arbitration agreement, or in the alternative, dismissing this action in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, Epic Games relies upon the accompanying Memorandum and Declarations, as well as other documents on file with the Court and cited in the Memorandum. As set out in detail in the Memorandum, Mr. Heidbreder should be compelled to arbitrate his alleged claims because they fall within the scope of his written arbitration agreement with Epic Games, and alternatively, Mr. Heidbreder's Complaint should be dismissed because it does not state a claim against Epic Games upon which relief can be granted. Accordingly, Epic Games respectfully requests that the Court enter an Order compelling Mr. Heidbreder to arbitrate his claims, or alternatively, dismissing the Complaint.

Dated: October 11, 2019

Respectfully submitted,

/s/ Jeffrey S. Jacobson

Jeffrey S. Jacobson

**DRINKER BIDDLE & REATH LLP**

1177 Avenue of the Americas

41st Floor

New York, New York 10036

Phone: 212-248-3140

Fax: 212-248-3141

[jeffrey.jacobson@dbr.com](mailto:jeffrey.jacobson@dbr.com)

*Local Civil Rule 83.1(d) Counsel for Defendant*

Robert C. Van Arnam

Andrew R. Shores

**WILLIAMS MULLEN**

301 Fayetteville Street, Suite 1700

Raleigh, North Carolina 27601

Phone: 919-981-4000

Fax: 919-981-4300

[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)

[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)

Local Civil Rule 83.1(d) Counsel

*Counsel for Defendant Epic Games, Inc.*

## CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing were electronically filed on this day with the Clerk of Court using the CM/ECF system which will automatically send notice to the following:

Ivy T. Ngo  
Franklin D. Azar & Associates, P.C.  
14426 East Evans Avenue  
Aurora, Colorado 80014  
Email: [ngoi@fdazar.com](mailto:ngoi@fdazar.com)

Martha A. Geer  
Cohen Milstein Sellers & Toll, PLLC  
150 Fayetteville St., Suite 980  
Raleigh, North Carolina 27601  
Email: [mgeer@cohenmilstein.com](mailto:mgeer@cohenmilstein.com)

*Counsel for Plaintiff*

This the 11th day of October, 2019.

/s/ Jeffrey S. Jacobson  
Jeffrey S. Jacobson  
**DRINKER BIDDLE & REATH LLP**  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036  
Phone: 212-248-3140  
Fax: 212-248-3141  
[jeffrey.jacobson@dbr.com](mailto:jeffrey.jacobson@dbr.com)